SINGLE BENCH

CF-2002

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 5817 /2006

PETITIONERS :

1. **Faiz Mohd. Mansuri,** Age about 41 years,
S/o Shri Sekh Subrati,
Asstt. Teacher, Govt. Middle School,
Gumiyan, Block- Kartala, Distt.- Korba(C.G.)

2. **Gunbhushan Sahu,** Age about 39 years,
S/o Shripati Sahu,
Asstt. Teacher, Govt. Middle School,
Binara, Block - Kartala, Distt. - Korba (C.G.)

P.R. No. 5839/06 Vijay Shrivastava 18/10/06

VERSUS

RESPONDENTS :

1. **State Government of Chhattisgarh**
Through :- **Secretary,**
Tribal Welfare Department & Education
Department, D.K.S. Bhawan, Raipur (C.G.)

2. **Commissioner**
Tribal Welfare Department,
Korba (C.G.)

3. **District Education Officer**
I.T.I., Korba (C.G.)

4. **Block Education Officer**
Tahsil - Kartala, Distt. - Korba (C.G.)

5. **Joint Director (Funds / Accounts),**
Nutan Chowk, Sarkanda, Bilaspur (C.G.)

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OATH COMMISSIONER
APARNA MALVIYA
17/10/06
Bilaspur Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(32)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (s) No. 5817 of 2006

Petitioners : Faiz Mohd. Mansuri & another

Versus

Respondents : State Government of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Shri Ajay Shrivastava, Advocate for the Petitioners.
Shri Sumit Verma, Panel lawyer for the State/respondents.

ORDER

(27th October, 2006)

1. Learned counsel appearing for the petitioners submits that the petitioners were appointed on the post of Assistant Teacher vide order dated 7.3.1987 (Annexure P/1) in the pay scale of Rs. 545 – 925. It is further submitted by learned counsel for the petitioners that for the first one year the petitioners were paid only Rs. 300/- p.m. though they were entitled to get monthly payment on the basis of regular pay scale during that period.

2. Learned counsel for the petitioners placed reliance on a decision of the Madhya Pradesh State Administrative Tribunal passed on 24.8.1992 in O.A.No. 2745 of 89 (Madhukant Yadu and 56 others Vs. State of M.P. & others) and also on a decision passed on 18.2.2000 in O.A.No. 3006/1993 (Utam Kumar Banjari and others Vs. State of M.P. & others). In that case the petitioners were appointed on the post of Upper Division Teacher in the pay scale of Rs. 1400-2640 vide order dated 29.3.1992 but subsequently the Joint Director, Public Instructions, Hoshangabad passed the order that instead of payment of salary in the regular scale of pay of

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Rs. 1400-2640 the petitioners would be paid only consolidated fixed sum of Rs. 800/- for three years and only after three years, they would be given salary in the regular scale of pay. Learned Tribunal quashed the order passed by the Joint Director and directed the respondents to make payment of salary in the regular scale of pay of Rs. 1400-2640 along with all applicable allowances from the date of appointment of the petitioners.

3. Learned counsel for the petitioners further submits that the question of law and the facts involved in this petition are too similar to that of in the cases cited above. Learned counsel appearing for the respondents fairly concedes and agrees with the submission made by the petitioners.

4. For the above stated reasons the petitioners are granted four weeks time to make a representation before the competent authorities to consider the case of the petitioners in the same terms as per the order dated 18.2.2000 passed in O.A.No. 3006/1993 and the order dated 24.8.1992 passed in O.A.No. 2745/1989. In the event the petitioners stand on the same position, the petitioners are entitled to the same relief.

5. For the reasons stated above, this petition is disposed of.

Sd/-
Satish K. Agnihotri
Judge

Thakur